

3-5-R. Approval/Concurrence of Ocean Dumping Dredged Materials Permits**1. AUTHORITY.** Pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) and 40 C.F.R. §§ 220.4, 225.2 and 225.4:

- a. To review copies of public notices of applications to the U.S. Army Corps of Engineers for Dredged Materials Permits under Section 103 of MPRSA and request from the District Engineer any additional information necessary or appropriate to evaluate the proposed dumping. (40 C.F.R. § 225.2);
- b. Upon review of the public notice of an application for a Dredged Materials Permits under Section 103 of MPRSA, to request a 15-day extension of time to make a determination whether the proposed dumping will comply with the criteria set forth in 40 C.F.R. Part 227. (40 C.F.R. § 225.2);
- c. Notify the District Engineer in writing that the proposed dumping will comply with the criteria set forth in 40 C.F.R. Part 227. (40 C.F.R. § 225.2);
- d. To grant a waiver of the criteria set forth in 40 C.F.R. Part 227 or of critical site designation upon request by the Secretary of the Army and absent a finding that the proposed dumping will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. (40 C.F.R. § 225.4);
- e. To seek a 45-day extension to determine whether to concur (either entirely or with conditions) with or decline to concur with the determination of the Secretary of the Army as to compliance with the criteria set forth in 40 C.F.R. Part 22, conditions and restrictions established pursuant to Sections 102(a) and 102(c) of MPRSA relating to the environmental impact of the permit. (Section 103(c)(2) of MPRSA); and
- f. To concur (either entirely or with conditions) with the determination of the Secretary of the Army as to compliance with the criteria set forth in 40 C.F.R. Part 227, and conditions and restrictions established pursuant to Sections 102(a) and 102(c) of MPRSA relating to the environmental impact of the permit. (Section 103(c)(2) of MPRSA; 40 C.F.R. §220.4).

2. TO WHOM DELEGATED.

- a. The authorities in paragraphs 1.a., 1.b, and 1.e are delegated to staff, Wetlands Branch, Water Division (WD).
- b. The authorities in paragraphs 1.c, 1.d, and 1.f. are delegated to the Chief, Wetlands Branch, WD.

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3. LIMITATIONS. None.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. 33 U.S.C. § 1413(c).
- b. 40 CFR §§ 220.4(c), 225.1-225.4
- c. Headquarters Delegation 3-5 (Disapproval of Ocean Dumping of Dredged Materials)

6. SUPERSESSION. None

Date: APR 15 2019


Cosmo Servidio
Regional Administrator